

BRIAN COREY, et al., )  
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 Plaintiffs, )  
 )  
 vs. ) Case No. 4:16 CV 1856 CDP  
 )  
 HEARTLAND EXPRESS )  
 INCORPORATED OF IOWA, )  
 )  
 Defendant. )

Plaintiffs have filed a motion to compel discovery, a motion to amend the case management order, and a motion to amend the complaint. Defendant did not respond to any of the motions within the time set by Local Rule 7-4.01(B), but then filed a response to the motion to compel a week late. Defendant argues that court involvement is not required, even though it admits that it has failed to serve any responses to the plaintiffs' interrogatories and document requests and has failed to produce its witnesses for depositions within the deadlines set by the Case Management Order. The Case Management Order in this case has specific deadlines for depositions, and those deadlines were set based on the joint proposal made by the parties at the Rule 16 conference held in March.

Defense counsel argues that he has been working diligently to obtain the necessary discovery. Whether it is defense counsel or his client who is the

problem, both need to understand that the deadlines set by this Court and by the Federal Rules of Civil Procedure are real deadlines, and the Court expects compliance. It was defendant, after all, who chose to remove this case to federal court, and defendant should not be surprised by the Court's requirements. Any further non-compliance may result in the imposition of sanctions.

Defendant Heartland has waived any objections to the interrogatories and document requests. I will order that it provide answers (without objections) to First Set of Interrogatories, produce all documents responsive to the First Request for Production of Documents and serve a response (without objections) to that request. Defendant must also promptly provide dates certain for the necessary depositions.

Plaintiffs have also filed a motion seeking leave from the Court to file an amended complaint. The amended complaint adds James Santos, the truck driver alleged to have injured plaintiffs, as an additional defendant. As defendant has not objected to this motion, I will grant it.


Finally, I will grant plaintiffs' motion to amend the Case Management Order, and will add approximately sixty days to all of the remaining deadlines, as requested by plaintiffs. The Amended Case Management Order will be entered separately today.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion to compel [17] is **GRANTED** as set forth above, and defendant shall produce the requested responses within fourteen days of the date of this order, and shall forthwith provide dates for the deposition of its corporate representative and for the driver whose deposition was canceled.

**IT IS FURTHER ORDERED** that plaintiffs' motion for leave to file an amended complaint [21] is **GRANTED**, and the First Amended Complaint is deemed filed today. The clerk shall add James Santos as a defendant. Plaintiffs are reminded of their obligation to promptly serve the newly added defendant, and defendant Heartland is reminded of its obligation to file a responsive pleading within the time set by the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that plaintiffs' motion to amend the Case Management Order [19] is **GRANTED**.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 5th day of June, 2017.